

## **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are presently active in this case. The above amendment shows all currently active claims and their respective status.

In the outstanding Office Action, Claims 1, 3, 5-7, 9, 11-13, 15 and 17-20 were rejected under 35 U.S.C. §102(b) as anticipated by Crook et al. (U.S. Patent No. 5,274,336, hereinafter "the '336 patent"). Claims 2, 4, 8, 10, 14 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over the '336 patent in view of Scott et al. (U.S. Patent No. 5,748,002, hereinafter "the '002 patent").

Applicants respectfully submit that the Finality of this office action is improper and should be withdrawn. Applicants filed an RCE and entered the July 8<sup>th</sup>, 2003 amendment in response to an Advisory Action dated August 13<sup>th</sup>, 2003 which indicated that the proposed amendments "raise new issues and would require further consideration and search." Thus, this office action should have been made "non-final." Applicants request that the finality of this rejection be withdrawn.

In response to the rejection of the claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), Applicants respectfully request reconsideration of these rejections and traverse the rejections as discussed next.

Applicants respectfully submit that the '336 patent in Fig. 7A does not show a probe conductor 306 positioned adjacent to the insulator contact surface 310. Applicants respectfully submit that the probe conductor 306

cannot be not equidistant with the insulator 308 along the *entire contact surface* 310 because Fig. 7A clearly shows that the insulator does *not* wrap around the entire contact surface 310. Further, the probe conductor 306 is straight while the insulator 308 angles outward. Therefore, *it is impossible for the probe conductor 306 to be equidistant with the insulator 308 along the entire contact surface 310*.

Further, even a cursory review of the '002 patent suggests that even if it were combined with the '336 patent even the proposed combination fails to teach or suggest a probe conductor, "wherein the probe conductor is equidistant with the insulator along the entire contact surface" as is recited in independent claims 1 and 19 of the present application.

As such, Applicants respectfully submit that the cited prior art either alone or in combination, fails to teach or suggest every recited element in Applicants' claims. Applicants respectfully submit that Claims 1-20 are patentably distinguishable over the cited prior art.

## **CONCLUSION**

Accordingly, in view of the above remarks, and all of the stated grounds of rejection having been properly traversed, accommodated, and/or rendered moot, reconsideration of the rejections and allowance of each of claims 1-20 in connection with the present application is earnestly solicited. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is condition for allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Timothy J. Maier, Reg. No. 51,986, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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